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January 21, 2010

By ECF and Email

The Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: United States v. Alberto Vilar, et al.
1:05-cr-00621 (RJS)**

Dear Judge Sullivan:

I am writing to Your Honor with new information bearing on sentencing which was unavailable to me at our last conference. The government is holding approximately \$37.8 million in cash and securities, which it seized from Amerindo. The government asserts that \$21.9 is due in restitution to Lily Cates and the GFRDA victims (excluding Dextra, which is not seeking restitution). I am told that the other Amerindo investors are owed somewhere between five and ten million dollars, although I have no way of confirming this since I do not have access to the supporting documents. The government has the documents from which it can determine the actual amount. Even taking into account funds due the other Amerindo investors, it appears that there is ample money to make all of the Amerindo investors completely whole.

In May 2005, when the government seized Amerindo's assets, there was \$26.6 million in the GFRDA accounts at Bear Stearns. Those funds are now being held at JP Morgan Chase. At the conference, I said that the government had also seized privately held securities which Amerindo had bought for its investors. Mr. Litt estimated the value of those securities at \$3 million. Since then, he has given us the attached schedule showing the estimated value at \$8.1 million. The true amount is probably more. I say this because I have received an expression of interest by the president of one of the privately held companies to repurchase Amerindo's shares in his company. The government estimates the shares to be "probably of no value." Quite obviously, it is of some value. In addition, Mr.

Hon. Richard J. Sullivan

January 21, 2010

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Colton has established that SG Americas Securities, LLC is holding \$3.1 million, almost all in cash, for Amerindo Technologies Growth Fund. (A recent account statement is also attached.)

Amerindo's GFRDA subscription documents pledged all of Amerindo's assets to guarantee the GFRDA investments. It is now clear that the guarantee was backed up by actual assets, enough to honor all of the victim's redemption requests. They will, in all likelihood, be made whole when the government distributes the funds. The fact that Amerindo was holding \$37 million in assets in domestic financial institutions supports Mr. Vilar's claim that he did not intend ultimately to deprive any of Amerindo's investors of their money notwithstanding his refusal to immediately honor their demands when tech stocks were at their all-time low.

Several of the Amerindo investors who have written to the Court rage against the defendants because they believe that their money is gone. It is not. The government has it. It appears that the government has not informed the investors of that fact.

At the last conference, the Court likened Amerindo's investment in technology stocks to putting money on a horse. The conceit does not reflect the true state of affairs. Mr. Vilar was renowned for his extraordinarily successful investment acumen. He made over a billion dollars for his investors by investing in technology and biotechnology stocks. Even if the Court agrees with the government's argument that the "loss" under the guidelines is more than \$40 million, that figure is of questionable significance if, as it appears, no investor will have lost a dime once the government distributes the assets under its control.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Marks', written over the printed name 'Jonathan Marks'.

Jonathan Marks

cc: Marc Litt, Esq.
Benjamin A. Naftalis, Esq.
Glenn C. Colton, Esq.
(All by email)

FOR SETTLEMENT DISCUSSIONS ONLY

INVESTMENT	# of Shares	VALUE	NOTES
Newmarket Latin America Inc.	21,488		
Osei Pharmaceuticals	18,807 total	\$676,487.79	\$35.97 a share on 9/22/09
Sirius XM Radio Inc.	299,000	\$197,340.00	.66 a share on 9/22/09
Zonetrader.com Inc	1,653,629	Probable no value	acquired by doveBid 3/12/02. DoveBid acquired by UK's Golndustry 2/25/08
Adt Interfact II Inc.	289,855		acquired by Packard Bell NEC 4/94
Adt Interfact II Inc. Ser B	429,292		
Adt Interfact II Inc.	1,603,132		
Cellomics Inc	2,323,124		acquired by Pittsburg, PA business unit of Thermo Fisher Scientific
Cellomics Inc (NNN Pfd)	2,323,124		"see above"
Troika Networks Inc.	7,974		Qlogic acquired 10/05 for 36.5 Million.
Troika Networks Inc. Ser. C	797,412		"see above"
Illumina Inc.	7,148	\$294,712.04	\$41.23 a share on 9/22/09 (ILMN)
Dovebid Inc.	66,969	\$401.81	Dovebid acquired by UK's Golndustry 2/25/08
Counterpane Internet Security	62,828		acquired by British BY Global on 10/25/06 BT Counterpane is a subsidiary of BT Global
Adero, Inc.	270,608		sold Internet infrastructure to Colt Telecom Group Plc of London - 7/9/01. Fantastic Corp.a Swiss software maker spent \$2Million to buy Internet Software Starbursh from Adero Inc - 6/8/01.
Sparks.com Inc.	1,277,465		partnered w/American Greetings.com 6/12/2000.
Sparks.com Inc. Ser C	1,606,623		
Mycfo Inc.	646,579		
Multitude Inc.			

Abgenix Inc.	5,262	\$118,395.00	(ABGX) bought out by Amgen 4/20/06 @ \$22.50 a share - 7/15/09
Bowstreet Inc.	89,056		acquired by IBM
Page 10 of 10			
Citra Corp	115,359	\$500,000.00 +	still in business, has had 4 divestitures since 1996. Money is being held in account.
Citra Corp Ser D	19,700		
Metricstream Inc.	286,598		
Theravance Inc.	204,472	\$3,486,247.60	Still in business.
Acadia Networks Inc.	316,680		17.05 a share on 9/22/09 (THRX)
Adraycomm Inc. Ser E	537,350		Still in Business
Adraycomm Inc. Ser F	121,212		Still in Business
Nexsi CP	487,518		"see above"
Maple Optical Systems	783,840	No value	Out of Business 3/2004
Maple Optical Systems Ser C	241,875	"see above"	"see above"
Page 10 of 10			
Corum Tech.	72,808		Out of Business 3/2003 and became Polytronix, Inc.
Corum Tech. Ser D	749,088		
Mayan Network Corp.	845,313		
Intouch Group Inc. Ser B	128,334		Out of Business
Intouch Group Inc. Ser A	607,600	Probably no value	Pre bankruptcy
Intouch Group Inc. Ser C	113,636	Probably no value	"see above"
Intouch Group Inc. Ser C	158,334	"	"see above"
Centerpoint Broadband Tech Inc.	192,692	No value	Out of Business 12/22/2005
Force10 Networks Inc. Ser B-2	424,359		Still in Business
Financial Engines Inc Ser E	19,234		Still in Business
Financial Engines Inc Ser D	202,340		"see above"
Isopan Wireless Inc Ser C	487,089		acquired by Intel
Colo.com Ser C	354,644		
Allegis Corp Ser E	122,149		
Emnigrocer.com Ser C	198,020		
FTlinxx inc Ser B	660,917		
Essential.com Inc Ser C	256,441		
Zembeel Inc Ser B-2	603,611	no value	Out of Business 4/25/2003
Adexa Inc. Ser C	78,740		
Page 10 of 10			
3Pardata Inc Ser A-3	141,518	\$896,000.00	money is being held in account; changed name to 3PAR

3Pardata Inc Ser A-2	34,852			
Structural Genomix Inc Ser A	74,600	\$249,981.00	money is being held in account	
Structural Genomix Inc. Ser B	8,727	"see above"	"see above"	
Peperlyfirst.com Inc. Ser B Conv	424,251		Merged with Loopnet (3/29/01)	
Client Networks Inc. Ser A-1	20,956	Probably no value		
Locus Discovery Inc. Ser C	1,475,055		Changed name to Locus Pharmaceuticals	
Greexpress Inc	323,729		Acquired by Wiltel Communications (12/01); acquired by Level	
800.com Inc. Ser C	487,430		3 Communications (11/05)	
800.com Inc. Ser D	133,333		Out of business?	
Adauction.com Inc. Ser D	555,000		Name changed to OneMediaPlace (4/00); Merged with Media	
Adauction.com Inc. Ser E	130,779		Passage Inc. to form Mediapassage (3/01); assets bought by	
Furniture.com	130,000	Probably no value	Valassis (11/01)	
Furniture.com Ser. C	726,982			
Ctrenex, Inc.	606,183	\$163,063.23	money is being held in account	
Knowledgeplanet.com Ser B	580,118		changed name to Mzinga	
Mercata Inc. Ser C	252,500		Out of business (1/01)	
Mercata Inc. Ser B	270,000		see above	
Agility Communications Inc Ser C	402,846		Acquired by JDSU (11/05)	
Jetstream Comm. Inc. Ser H	15,669		ceased operations (2002); assets purchased by Paradyne	
Jetstream Comm. Inc.	136,956		Networks; Paradyne acquired by Zhone Technologies	
Hyperchip Inc CL C	1,136,367		Bankruptcy (9/2004)	
Applied Science Fiction Inc Ser D	205,174			
Applied Science Fiction Inc	500,000		Assets acquired by Cisco (6/04)	
Pocket Networks Inc Ser C	877,309		money is being held in account	
Accestry.com	104,707	\$818,857.22		
Aldian Networks Inc Rstd Ser B	1,138,130		Acquired by Teradata Corp. (2/06)	
Seecommerce Ser E	28,654		Sent email	
Homestead.com Inc Ser C	152,362			

Axsun Technologies inc. Ser C	205,270		Acquired by Volcano Corp.; Series C converted to common shares
Realnames Corp Ser C	512,500		Out of Business 2002
Realnames Corp Ser E	249,200		see above
Central Corp Ser B	110,500		
Cadson Corp Ser D	100,587		Merged with Quantum Photonics to form Covega Corp
Comergent tech inc.	364,844		Acquired by Sterling Commerce
Cybermedica inc.	1,767,174		Chp 7 bankruptcy
Digital Chef inc.	46,296		
Doubletwin inc.	651,162		Changed name to Tavolo; Out of business
Edags inc. ser B	528,814	\$766,780.30	Out of business 2002
Impresse Corp Ser. C	161,000		difficult to value
Cielo Communications inc. Ser B	385,000		
Mladora inc Ser B	141,121		
Ksen.com inc. Ser C	352,728		
Kozmo.com inc. Ser F	248,173		
KVM tech inc. Ser B	393,785		
Locus Pharmaceuticals inc.	250,000		
Teline Network inc. Ser D	218,965		
Aspian Communications Ser D	139,464		
Zoho Corp. Ser C	268,127		
Eusim Corp Ser C	219,808		
Asera inc Ser C	56,048		
Chfiber comm. Inc.	490,100		
Mobilian Ser. C	140,500		
Wheelhouse corp Ser B	255,271		
Utraband Fiber optics inc	945,627		
Broadband office inc Ser C	326,526		
Adexa. Inc.			

Probably no value



**CORPORATE &
INVESTMENT BANKING**

SG Americas Securities, LLC
1221 Avenue of the Americas
New York, NY 10020-1001
212-278-6000

Statement

November 2009

AMERINDO TECHNOLOGIES GROWTH FD
A/C OPTIONS
JAMES ST ABLEFORD GARY TANAKA
43 UPPER GROSVENOR STREET
LONDON W1X 9PG
ENGLAND

Portfolio Value

	November 30, 2009	October 31, 2009
Cash, CD's, & Money Market Funds	\$3,147,559.82	\$3,147,298.45
Equities and Options	20,286.00	18,869.20
TOTAL PORTFOLIO VALUE	\$3,167,845.82	\$3,166,167.65

Income Summary

	November 30, 2009	Year to Date
Money Market Fund Dividends	\$307.49	\$10,499.07
TOTAL INCOME	\$307.49	\$10,499.07

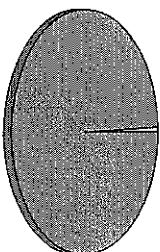
Cash Flow Summary

	November 30, 2009
OPENING BALANCE	\$0.00
Securities Bought/Withdrawals	(261.37)
Dividends/Interest	307.49
Other Credits/Debits	(46.12)
CLOSING BALANCE	\$0.00



Current Portfolio Allocations

The pie chart below graphically shows your investment allocations by asset type.



% of Assets

- Cash, CD's, & Money Market Funds 99%
- Equities and Options 1%

This pie chart reflects only positive portfolio allocations.

SG CONTACT

CLOSED ACCOUNTS
1 FINANCIAL SQUARE
NEW YORK NY 10005

CUXR

Statement Period:
November 1, 2009 - November 30, 2009

Account Number:
64524357

Customer Service:
(800) 861-9789

General Information

Reain this Statement

This statement contains information you may need for tax purposes and to verify any interest charges appearing on subsequent statements. Statements are mailed each month to customers who have activity during the month affecting cash balances or security positions. Inactive accounts will be sent a quarterly statement.

In Case of Inquiries or Complaints

Please examine this statement carefully. If you think that your statement is incorrect for any reason, or if you fail to receive any checks or securities being delivered to you, or you wish to lodge a complaint, you should contact the Manager of the office servicing your account or Manager, Customer Service Department, SG Americas Securities, LLC, 460 Washington Blvd., Jersey City, NJ 07310 (telephone no. (800) 861-9789). Please re-confirm any verbal discrepancies or complaints in writing to the aforementioned Manager. This statement will be deemed correct if not objected to by you within ten (10) days after mailing by us.

Material Changes

You are requested to promptly advise us, in writing, of any material change in your investment objectives or financial situation.

Financial Statement

A financial statement of this firm may be inspected at any of SG Americas Securities, LLC offices or is available upon your request.

Purchase & Sale Transactions

Purchase and sale transactions appear on your statement according to the transaction date.

How to Read This Statement

Some or all of the following sections may appear on your statement depending on the nature of your account.

Portfolio Value

The net value of your account at the close of the current and previous month, with a summary listing by category of your assets and deductions.

Income Summary

A summary listing, by category, of the income earned on various items in your account, for the current month and year-to-date.

Cash Flow Summary

A summary listing by category of transactions during the current month that affect your cash and money fund balances.

Current Portfolio Allocations

A graphic representation of the approximate allocations of your assets among the various categories of investments.

IRA Contribution & Distribution Summary

If this is a statement for an IRA account for which SG Americas Securities, LLC is the custodian, this section shows information about your contributions to, and/or distributions from, your IRA.

Portfolio Holdings

A listing of all securities held in your account grouped by category, showing their market price and aggregate value, and estimated annual income and yield when available.

- Prices and estimated income information shown are obtained from independent quotation services and other sources which we believe are reliable but whose accuracy cannot be guaranteed. Market prices do not necessarily represent prices at which the securities could have been bought or sold on the statement date.
- N/A in the price column indicates that current prices could not be obtained.
- Estimated annual income is an annualized amount based upon the most recent dividend or interest payment. Yield is calculated by dividing the estimated annual income by the market value of the securities and represents an estimated current yield only.
- For fixed income securities, prices are approximations (not actual market bids) and are provided only as a general guide.
- If prices are shown for "Direct Investments" - Independently Valued, which are not publicly traded, they are obtained from an independent pricing service which appraises illiquid investments. Your investment may be marketable at more or less than the estimated valuation reflected on your statement. The net value of your account does not include these investments.

Transaction Details

A detailed listing of all activity in your account, including purchases and sales, income, money market and mutual fund distributions and other activities. Dates shown for purchases and sales are trade dates, and all other dates are actual dates of the activity.

All open ("good-till-cancelled") orders in effect as of the closing date of the statement will remain in force until specifically canceled, and such orders will not be automatically canceled by any identical or different order or transaction in the same security. You will be responsible for any open order until canceled by you through your Investment Executive.

When and If Issued Trades

This shows transactions in securities trading on a "when issued" basis. When the security is issued, the transaction will be shown with the regular activity in your account.

Cash Flow Analysis

- Chronological Transaction Summary: A chronological listing of transactions itemized under "Transaction Details" above, showing your cash balance after each transaction.

Information About Your Account

Free Credit Balances

You are entitled to receive any free credit balances in your account on demand. Such balances, although properly accounted for on our books and records, are not segregated and may be used in our business.

Interest Charges

Interest charges on debit balances shown on this statement are calculated as of the second to last business day of the current month. Information about the method of calculation of interest charges was previously forwarded to you and an additional copy will be provided upon your request.

Special Memorandum Account

If this is a margin account, this is a combined statement of your margin account and the special memorandum account maintained for you under Section 220.5 of Regulation T issued by the Board of Governors of the Federal Reserve System. The permanent record of the special memorandum account, as required by Regulation T, is available for inspection at your request.

Options

Information regarding commissions and other charges incurred in connection with the execution of option transactions has been included in confirmations of such transactions previously furnished to you and will be made available to you promptly upon request.

SIPC Insurance

SG Americas Securities, LLC is a member of the Securities Investor Protection Corporation (SIPC). Client accounts are protected for up to \$500,000 through SIPC, including a maximum of \$100,000.00 for cash balances. Details of SIPC coverage are available upon written request. To obtain information about SIPC, including the SIPC brochure contact www.sipc.org or call (202) 371-8300.

Public Disclosure Program

For a copy of a brochure that includes information describing the NASD Regulation Public Disclosure Program, call the NASDR Public Disclosure Hotline (1-800-289-9999) or visit the NASDR Web site at www.nasdr.com.

Tax Reporting

The Internal Revenue Service requires SG Americas Securities, LLC to report on Form 1099 all cash dividends and bond interest credited to your account on securities held for you in our name. In addition, we report on Form 1099-B the proceeds of all securities sales (including short sales), except option proceeds.

Correspondent Accounts

If your account is carried by SG Americas Securities, LLC through arrangement with another broker-dealer, the respective responsibilities of SG Americas Securities, LLC and your broker are described in a notice entitled "Important Information for Correspondent Customers" which was sent to you when your account was opened. An additional copy of that notice will be sent to you upon request.

- Your broker is not the agent of, and (unless otherwise specified) is not affiliated with, SG Americas Securities, LLC and SG Americas Securities, LLC is not responsible for the acts of your broker or its employees.
- Any materials distributed with this statement which do not relate to SG Americas Securities, LLC are the responsibility of your broker and are distributed at your broker's request. SG Americas Securities, LLC has not reviewed or approved such materials and has no responsibility for their contents.
- SG Americas Securities, LLC acts as your custodian for funds and securities deposited directly with us, through your broker, or as a result of transactions we process for your account. Inquiries concerning the positions and balances in your account may be directed to SG Americas Securities, LLC Customer Service Department at (800) 861-9789. All other inquiries regarding your account or the activity therein should be directed to your broker.

Commission Information

- Further information with respect to commissions and other charges related to the execution of listed option transactions has been included in confirmations of such transactions previously furnished to the customer, and that such information will be made available to the customer promptly upon request.

Account Types

- Cash/COD
- Margin
- TEFRA
- When Issued
- Short
- Special Products

Ratings

The Portfolio Holdings section of your statement may include fixed income instruments that carry a rating by Moody's and Standard & Poor's. The ratings are graded as follows:

Moody's	S&P	Grade
Aaa	AAA	Best quality
Aa	AA	High quality
A	A	Upper medium
Baa	BBB	Medium
Ba	BB	Speculative
B	B	Low
Caa	CCC	Poor to default
Ca	CC	Highly speculative
C	C	Lowest



SG Americas Securities, LLC
1221 Avenue of the Americas
New York, NY 10020-1001
212-278-6000

**CORPORATE &
INVESTMENT BANKING**

Statement Period:
Account Owner:

November 1, 2009 - November 30, 2009
AMERINDO TECHNOLOGIES GROWTH FD
A/C OPTIONS
JAMES ST ABLE ORD GARY TANAKA
400 PARK GROSVENOR STREET
LONDON W1X 8PG
ENGLAND

Account Number:
SG CONTACT:

64524357
CLOSED ACCOUNTS

Portfolio Holdings

CASH, CD's & MONEY MARKET FUNDS

Acct Type	Number of Shares	Description	Symbol	Share Price	Market Value	Percent of Portfolio	Estimated Yield	Estimated Annual Income
1	3,147,559.82	TCW/GALILEO MMKT FD		\$1.0000	\$3,147,559.82	99%	0.126%	\$3,965.93
TOTAL					\$3,147,559.82			\$3,965.93

EQUITIES AND OPTIONS

Acct Type	Quantity	Description	Symbol	Current Share Price	Current Value	Percent of Portfolio	Estimated Yield	Estimated Annual Income
1	32,200	SIRIUS XM RADIO INC	SIRI	\$0.6300	\$20,286.00	1%		
TOTAL					\$20,286.00			\$0.00

TOTAL PORTFOLIO VALUE

TOTAL PORTFOLIO VALUE					\$3,167,845.82	Total Market Value	Total Estimated Annual Income
							\$3,965.93

Transaction Details

PURCHASE AND SALES

Transaction Date	Acct Type	Description	Activity	Investment Share Price	Amount	Amount of Shares	Accrued Interest
11/30/2009	1	TCW/GALILEO MMKT FD	REINVEST DIV	0.0000	(\$261.37)		
TOTAL					(\$261.37)		

November 2009